

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 29, 2003 PLANNING COMMISSION MEETING

P.A.S.: Street and Alley Vacation #03013

PROPOSAL: Vacate South 49th Street between Prescott and Lowell Avenues, and the west 50' of the alley east of South 49th Street between Prescott and Lowell Avenues.

LOCATION: South 49th Street, between Prescott and Lowell Avenues.

LAND AREA: 21,275 square feet, or 0.49 acres, more or less.

CONCLUSION: The vacation of this street and alley conform to the Comprehensive Plan and Zoning Ordinance provided necessary public easements are retained.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

South 49th Street from the north right-of-way line of Lowell Avenue to the south right-of-way line of Prescott Avenue, and the west 50' of the east-west alley between Prescott and Lowell Avenues, from South 49th to South 51st Streets, located in the southeast 1/4 of Section 5 T9N R7E, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	Union College campus	R-6 Residential
South:	Single-family dwellings	R-4 Residential
East:	Single-family dwellings	R-4 Residential
West:	College View Seventh-Day Adventist Church	R-4 Residential, & B-3 Commercial

HISTORY:

Sept 1998 Special Permit #1742 was approved by the Planning Commission granting Seventh-Day Adventist Church (Applicant) authority to construct a 48-stall parking lot in the R-4 Residential zoning district and located across South 49th Street from the church.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Land Use Plan shows the entire area of this vacation as Urban Residential. (F 25)

TRAFFIC ANALYSIS:

The Comprehensive Plan shows South 49th Street, and Prescott and Lowell Avenues are Local Streets, both now and in the future. (E49, F103) All three of these streets provide access to the adjacent neighborhood and to South 48th Street, which is a Minor Arterial. Based upon the attached aerial photograph, this one-block portion of South 49th provides access to and on-street parking for the church. South 49th Street dead ends at Prescott Avenue.

ALTERNATIVE USES:

The area within this vacation could be divided into two lots, one fronting on Prescott Avenue and one on Lowell Avenue. The lot facing Lowell Avenue is zoned R-4 Residential and meets the minimum lot area for a single-family dwelling. The lot facing Prescott Avenue is zoned B-3 Commercial on the west half, and R-6 Residential on the east. This lot, if zoned entirely one way or the other, meets the minimum lot area for a commercial use in the B-3 district, as well as a single-family, two-family, or multiple-family, or townhouse in the R-6 district.

ANALYSIS:

1. This is a request to vacate South 49th Street between Prescott and Lowell Avenues, and the west 50' of the alley east of South 49th Street between Prescott and Lowell Avenues.
2. Applicant intends to purchase this property if vacated, and use it for possible building and parking lot expansion.
3. The vacation of this street and alley will not create lots without frontage or access to a public street, nor will it create a block length that exceeds 1000'.
4. The vacation of the alley portion will eliminate existing alley access to one residential property, and will create a dead-end alley. A dead-end alley should be avoided. Applicant should provide a public access easement from the west end of the remaining alley north to Prescott Avenue or south to Lowell Avenue.
5. There are five mature street trees in the 49th Street right-of-way that would be lost if this vacation is approved. Also, it appears 49th Street will be closed between Lowell and Prescott Avenues. If so, the Parks and Recreation Department will require street trees to be installed along Lowell and Prescott Avenues pursuant to City Design Standards. Applicant should post a bond to guarantee the installation of the trees. At this time, a bond amount has not been determined by the Parks and Recreation Department, but should be established prior to the October 29 meeting.
6. If this property is vacated and purchased by the church, their parcel size would increase and include the lot on which they have a special permit for a parking lot. Since their parking areas would then be located within the limits of their parcel, the

special permit would no longer be needed. Special Permit #1742 should be rescinded.

7. If this property is vacated, it could be subdivided and used as allowed in the R-4, R-6, and B-3 zoning districts. The value of this property should reflect this.
8. Alltel and LES have existing facilities within the area of this vacation, and have requested easements for these facilities.
9. LES must be contacted if this right-of-way is vacated so they can remove one street light. Also, any relocation of existing facilities will be at owner's expense.
10. Upon approval of this request, Applicants should be required to remove the existing street returns at both 9th and 10th Streets, at an estimated cost of \$9,000. Applicant should post a bond to guarantee this work.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Provide a public access easement to maintain the use of the alley for pedestrian and vehicular traffic.
- 1.3 Post a bond, in an amount to be determined by the Parks and Recreation Department, to guarantee the installation of street trees along Lowell and Prescott Avenues.
- 1.4 Post a bond in the amount of \$9,000 to guarantee the removal of the street returns at Lowell and Prescott Avenues.
- 1.5 Contact LES to schedule removal of the street light.
- 1.6 Submit a request to rescind Special Permit #1742 to the Planning Department.

Prepared by:

Greg Czaplewski
Planner

Date: October 10, 2003

Applicant: Nebraska Conference Association of Seventh Day Adventists
4015 South 49th Street
Lincoln, NE 68506

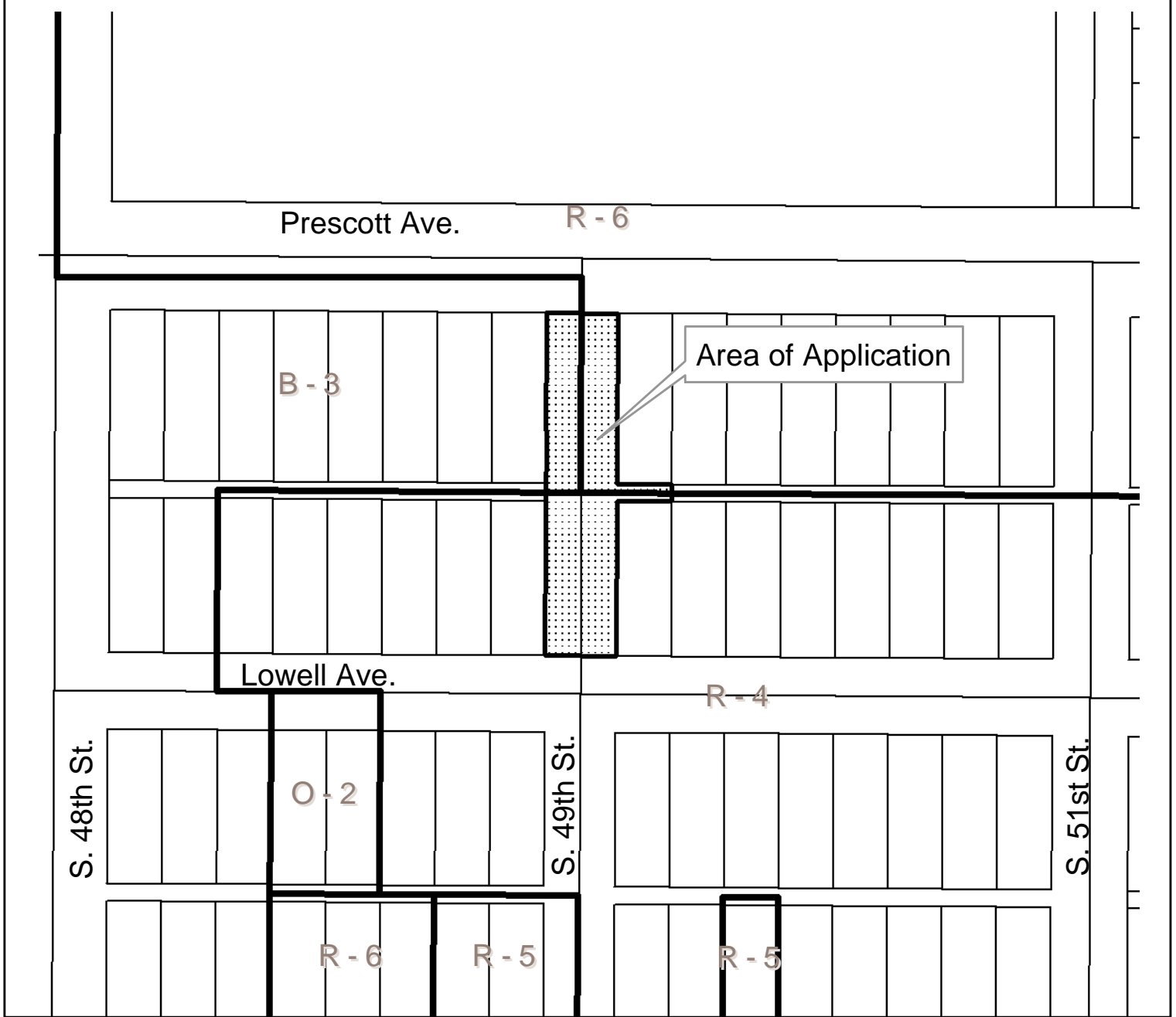
Owner: Same as Applicant

Contact: Nebraska Conference Association of Seventh Day Adventists
Jim Hoehn
4015 South 49th Street
Lincoln, NE 68506



Street and Alley Vacation #03013
S. 49th from Prescott to Lowell &
W 50' of E/W alley south of S. 49th





Street and Alley Vacation #03013 **S. 49th from Prescott to Lowell &** **W 50' of E/W alley south of S. 49th**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 5 T9N R7E

